Exhibit 1.

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3553 J. Robert Haines
Zoning Commissioner



John B. Gontrum, Esquire 809 Eastern Boulevard Essex, Maryland 21221

> RE: Petition for Special Hearing Case #89-261-SPH Contract Purchaser: Landex Corporation Legal Owner: Michael Kozlowski, et ux

PETITION FOR SPECIAL HEARING

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 89-261 SPH

* * * * * * * * * * *

The Petitioner herein requests a special hearing to approve the

The Petitioner, by the Contract Purchaser, Landex, Inc.,

FINDINGS OF FACT AND CONCLUSIONS OF LAW

nonconforming use of the subject property as a four unit apartment build-

ing in a D.R. 10.5 zone as more particularly described in Petitioner's

represented by David G. Johnston, appeared, testified and was represented

by John B. Gontrum, Esquire. Also appearing and testifying on behalf of

the Petition were Griffith Davis, a land owner, and Douglas Kennedy, a

registered professional engineer, with KCW Consultants, Inc., who prepared

Petitioner's Exhibit 1. Petitioner's Exhibit 1 contains additional nota-

tions placed thereon by the attorney for the Petitioner which Mr. Kennedy

agrees are correct. The current property owner, Mr. Michael Kozlowski,

Yorkway, was improved by a four unit apartment building in 1943 or 1944.

Testimony indicated that there are two units on the first floor of the

building and two units on the second floor. The basement is improved with

storage and utility space. Tax records submitted into evidence show that

Testimony indicated that the subject property, known as 2629

NE/S Yorkway 830' SE c/l

12th Election District

7th Councilmanic District

Contract Purchaser: Landex Corp.

Legal Owner: Michael Kozlowski

appeared and testified. There were no Protestants.

et ux

(2629 Yorkway)

Dear Mr. Gontrum:

Enclosed please find the decision rendered on the above captioned case. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3391.

> Robert Haines Zoning Commissioner

cc: Peoples Counsel

at least a four unit apartment building continuously and without interruption since approximately 1944. Testimony and evidence presented substantiates that the building was originally constructed as a four unit apartment building and has been used consistently as a four unit apartment building since its original development. The evidence tends to indicate the subject property was zoned "D" residential during the 1945 Baltimore County Comprehensive Zoning. The evidence further establishes that the exterior parameters of the building have not changed or been altered since the original construction.

Numerous other cases have been considered over the years for nonconforming use in the immediate vicinity. Affidavits from those cases also were introduced by Petitioner and indicate that the Yorkway units were all built at about the same time in 1943 or 1944 as four unit apartment buildings. Over the years some buildings have added additional units in the basement area. In almost every case, without exception, nonconforming uses have been granted for at least four units. Case No. 89-103-SPH was decided in September, 1988 for 2532 Yorkway for a similar building in the next block. Additionally, Case Nos. 88-14-SPH and 86-290-SPH found that nonconforming uses existed for at least four apartments since prior to 1945. In the instant case, the Petitioner requests a nonconforming use for the original four apartment units only.

The first issue to be determined in a nonconforming use case is whether or not the property in question was legally and permissibly developed prior to the statutory change which created the alleged nonconforming status. The four unit apartment building in the instant case was constructed prior to the adoption of the 1945 zoning regulations. This prop-

(B.C.Z.R.). That term was then defined as:

There is evidence of heat and public utilities in common and an

ing from January 2, 1945 thru 1955 when the zoning was changed.

The second principal to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the property. A determination must be made as to whether or not any change that has occurred is a different use and therefore breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered nonconforming. See McKemy v. Baltimore County, Md., 39 Md. App. 257,

1944. The property has always been a four unit apartment building and there have been no changes or interruptions in that use. The subject

erty is often referred to by the Petitioner and in this Opinion as an apartment building. This building is an apartment house as that term was defined in the original 1945 Baltimore County Zoning Regulations

> "A detached building used and/or arranged for occupancy as dwellings for three or more families as separate housekeeping units. All such housekeeping units shall have unity in use and be supplied, in common, with heat, sewerage and/or other public convenience or

acceptable number of units. Therefore, the building does comply with the "D" residential zoning placed on the land on January 2, 1945 for an apartment house because "D" residential permitted all uses in "C" residential. "C" residential permitted apartment houses. The Petitioner has established that the building existed prior to January 2, 1945 or the beginning of zoning regulations. The building was also in compliance with the zon-

385 A2d. 96 (1978).

Clearly, the use of the subject property has not changed since

Douglas L. Kennedy, P.E.

William K. Woody, L.S.

KCW Consultants, Inc. Civil Engineers and Land Surveyors 1777 Reisterstown Road Commercentre, Suite 175

#228 Item

John M. Cosaraquis, L.S. (Ret.)

Baltimore, Maryland 21208 (301) 484-0894 / 484-0963 November 29, 1988

PETITIONER/CONTRACT PURCHASER: LANDEX CORPORATION 250 Centerville Road, Bld. 'F' Warwick, Rhode Island 02886 Attn: Ms. Judith Siegel

(401) 732-5430 PROPERTY DESCRIPTION TO ACCOMPANY PETITION FOR SPECIAL HEARING 12th ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point on the northeasterly line of Yorkway as now laid out 50 feet wide distant 802.56 feet southeasterly measured along the said northeasterly line of Yorkway from the southeasterly line of Leeway as now laid out 60 feet wide as shown on "Plat No. 4 DUNDALK" and running thence north 40 degrees 38 minutes 52 seconds east 101.97 feet part of which distance is intended to be along the center line of a party wall there situate to intersect the southwesterly line of a 14 foot alley there situate and as shown on the Plat hereinafter mentioned thence binding on southwesterly of said alley south 49 degrees 17 minutes 40 seconds east 49.00 feet thence south 40 degrees 38 minutes 52 seconds west 107.07 feet part of which distance is intended to be along the center line of a party wall there situate to intersect the said northeasterly line of Yorkway thence binding on said northeast line of Yorkway on a curve to the left with a radius of 302.33 feet for a distance of 49.33 feet to the place of beginning.

The improvements thereon being known as No. 2629 Yorkway.

#2629 YORKWAY Acc. 12-18-049111

property was also in compliance with the original "D" residential zoning for an apartment house for four (4) apartment units.

The Petitioner does not claim an expansion of this use beyond the original four apartments. The evidence establishes the apartments in the subject building have been occupied continuously and without interruption since approximately 1944 and, therefore, are nonconforming.

Pursuant to the advertising, posting of the property and public hearing held and for reasons given above, the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED, by the Zoning Commissioner of Baltimore County, Maryland, this 29th day of December 1988 that the Petition for Special Hearing to approve the nonconforming use of the subject property known as 2629 Yorkway as a four unit apartment building in a D.R. 10.5 zone as more particularly described in Petitioner's Exhibit 1, be and the same is hereby GRANTED.

Baltimore County

John B. Gontrum, Esquire, 809 Eastern Boulevard, Essex, Md. 21221

PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve as a legal non-conforming use the following buildings (each with four apartments) located on Yorkway, Baltimore County, Maryland (#2627, #2629)

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., uponefiled ing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property, which is the subject of this Petition.

#2627-item-227 #2629+item-228

ct Purchaser:	Legal Owner(s):
with S. Siegel, President (e) or Print Name)	Michael + Elizabeth Kozlowski (Type or Print Name) X /// (Azlo // Aprit Azlo)
dature index Corporation in Centerville Road, Bldg. 6 ress	Glen William Davis, John Joseph Davis (Type or Print Name) Signature
ey for Petitioner:	Signature Cosperation Sole
ohn Gontrum	P.O. Box 56
pe of Print Name	Address Phone No. Jessup, Maryland 20794
natura	City and State

Name, address and phone number of legal owner, con-809 Eastern Blvd. tract purchaser or representative to be contacted Essex, Md. 21221 City and State Attorney's Telephone No.: 301-686-8274

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day 19...., that the subject matter of this petition be advertised, as

required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning County, on the _____ day of _____ 19___, at ____ o'clock

Zoning Commissioner of Baltimore County.

ESTIMATED LENGTH OF HEARING AVAILABLE FOR HEARING MON./TUES./WED. - HEXT TWO MONTHS

The following properties 2609 Yorkway, 2619 Yorkway, 2527 Yorkway and 2529 Yorkway have all previously been found to have legal nonconforming uses. To my knowledge, there are no zoning violations outstanding on any of these buildings, and they may continue as four unit apartment buildings in conformance with the laws and regulations of Baltimore County.

> Very truly yours, J. Robert Haines Zoning Commissioner

Dennis F. Rasmussen

December 29, 1988

Community Development Administration 45 Calvert Street Annapolis, Maryland 21401

Benton Mortgage Company 5731 Lyons View Drive Nashville, Tennessee 37919

RE: Yorkway Apartments

Gentlemen:

Baltimore County Zoning Commissioner Office of Planning & Zoning

(301) 887-3353

J. Robert Haines

Towson, Maryland 21204

I have this day taken testimony and evidence with respect to the following Yorkway Apartment Buildings:

2513 Yorkway 2515 Yorkway 2517 Yorkway 2519 Yorkway 2521 Yorkway 2506 Yorkway 2611 Yorkway 2613 Yorkway 2625 Yorkway 2605 Yorkway 2607 Yorkway 2627 Yorkway 2629 Yorkway 2504 Yorkway 2510 Yorkway

2511 Yorkway

Based on the testimony and evidence presented, I am issuing findings of fact and conclusion of law indicating that these buildings all have legal nonconforming uses as four unit apartment buildings.

89-26/-SP# CERTIFICATE OF POSTING Posted for: Special Healing

Petitioner: Long dex Corporation - Midrel + Flizaboth Kozlowski

Location of property: NE/3 York way, 830' SE/Les way

Location of Signe Facing York of approx. 25' Fr. 102 July, an

Proferty of Patitions. CERTIFICATE OF PUBLICATION

Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3553 NOTICE OF HEARING Dundalk Eagle The Zoning Commissioner of Balti-more County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified bersin in Room 106 of the County Office Building, to 4 N. Center Place P. O. Box 8936 cated at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as fol-Dundalk, Md. 21222 CASE NUMBER: 89-261-SPH NES Yorkway, 830' SE of cit THIS IS TO CERTIFY, that the annexed advertisement of Robert Haines in the matter of Zoning Hearings - Case # of Leeway (2629 Yerkway) 12th Election District 7th Councilmanic District 19-261-SPH - P.O. #05998 - Req. #M25108 - 80 lines @ \$40.00. was inserted in The Dundalk Eagle a weekly news-Legal Owner(s): paper published in Baltimore County, Maryland, once a week THURSDAY, DECEMBER 29, 1988 successive weeks before the at 8:08 a.m. SPECIAL HEARING: Nonconform use of 2629 Yorkway (four apar. 19 88; that is to say, In the event that this Petition is granted, a building permit may be a the same was inserted in the issues of Dec. 8, 1988 sued within the thirty (30) day appea period. The Zoning Commissioner W nowever, entertain any request for stay of the issuance of said permi during this period for good caus. shown. Such request must be in writ ing and received in this office by the date of the hearing set above or pre-

Kimbel Publication, Inc.

VETERANS TATTENTION THE MOST SENSATIONAL OFFER EVER MADE

BRICK APARTMENT HOUSES 4 Individual Apartments In Each House. EACH APARTMENT HAS

STARATE ENTRANCE FROM MAIN HALLWAYS LANGE LIVING ROOM SIZE 12 FEET & INCHES WIDE BY 17 FEET & INCHES LONG. LANGE BEDROOM SIZE IS FEET & INCHES LONG AND IS IVEY & INCHES WIDE SEDROOM HAS TWO SIPARATE CLOSES AND LARGE THE PATHROOM WITH BATHTUB AND BHOWER BATH AND LARGE LINEN CLORET. THIBANCE HALL WITH COAT CLOSET, A RITCHEN WITH PULLIN CABINETS, EINOLEUM, GAS RANGE AND WESTINGHOUSE ELECTRIC SURREMATOR THE HOT WATER HEATING PLANT WITH BEPARATE THERMOSTAT IN EACH APARTMENT.

sented at the hearing.
J. ROBERT HAINES

MOV 29 188 (6:4) M.E. HSSUC. MUC DIV.

SEPARATE STORAGE ROOM IN BASEMENT FOR EACH APARTMENT. EAUXDAY TUBE AND TOILET DE BASEMENT. HANDWOOD FLOORS AND SUB FLOORS. CHUNCHES OF ALL DENOMINATIONS, PLATGROUNDS AND MODERN SHOPPING CENTER HEARPY, AND A NEW MILLION .
DOLLAR MIGH SCHOOL WITHIN TWO BLOCKS, SALT WATER SATHING BEACH WITHIN FIVE MINUTES RIDE. CORNER HOUSES

(CENTER HOUSES BLIGHTLY LOWERS CONSTRUCTION OF THESE HOMES WAS SUPERVISED AND INSURED BY FEDERAL HOUSING ADMINISTRATION

IF YOU HARR A CASII PAYMENT OF \$500.00 AND THANCE YOUR MORTGAGE UNDER FALL. VETENANS ADMINISTRATION APPROVED LOAN, YOUR INCOME AND EXPENSES WOULD BE AS FOLLOWS: Tour rent recoived from two apartments at \$15 mg month will the contract of th THESE ARE O. P. A. APPROVED RENTS. Attain All TOTAL RECEIVED PER HONTH '\$176.00 .

YOUR MORIDAGE WOULD BE \$16,800.00 FOR 20 YEAR ! HERM ... YOUR MONTHLY PAYMENT ON THE MORIGAGE WOULD BE HINDM TEST FOR TEST MONTH 1/14 OF YOUR ANNUAL COUNTY TAXES 1/11 OF YOUR FIRE INSURANCE..... Balance of lumme left to you after murigage payment

YOUR OTHER YNARLY EXPENSES FOR NUMBER THE HOUSE ARE COAL USED, 16 TONS AT \$12.00 PER TON..... WATER USED FER YEAR (AVERA 4..... ELECTRICITY USED PER YEAR INVERAGES. DITTOM AND LIAUDS BILLHOM EL NE CIGIVIO

AMOUNT LEFT FROM MONTHLY RENT AFIER PAYING MORTCAGE AND ALL EXPENSES, 11, \$, 22.75 YOUR TOTAL MONTHLY PROFIT 65.00 OR YOU CALLEYS IN ONE APARTMENT RENT FIRE AND STILL HAVE A NICE INCOME TO BEE THE FURNISHED SAMPLE APARTMENT 1ST FLOOR 2554 YORKWAY OPEN DAILY-SATURDAY-SUNDAYS-12 NOON TO 7/30 P. M. . Take 26 our to Dundalk and Liberty Parkways walk to end of 2500 block Liberty Parkway (Leanay); turn of

JEROME J. GEBHART, Agent APPROPRIONE DUNDALK 1701

falt on Leaway I block. Sample House on corner.

apartments to them. PETITIONER'S EXHIBIT 3A

TOWSON, MD. Docamber 9 , 1988 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on 5.20 he Orlan

PO 07750 pice \$35.63

No. 059614 BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT 01-615-000 RECEIVED Judith S. Siegel, President, Landex Corp. 39 Major Potter Road 250 Centerville Road Warwick, RI 02886 Building #6 Filing Fee for Special Hearing (1 of 17) Items # 216-232 Yorkway Non-conforming apartments VALIDATION OR SIGNATURE OF CASHIER

AFFIDAVIT OF NANCY CAPECCI

I, NANCY CAPECCI, hereby certify that I am over 18 years of age and am competent to testify as follows:

1. My husband and I first purchased 2528 Yorkway in 1946 and lived there from 1947 through 1962. We continued to own that property until 1985, but rented it between 1962 and 1985. I reacquired the property in 1987.

 During the period of time that I lived at 2528 Yorkway, as well as the period that I was visiting the property on a weekly and sometimes a daily basis in my capacity as a landlord, I was acquainted with the other properties along Yorkway.

3. I have testified in Case Number 89-103 and have given an Affidavit in that case. My testimony and Affidavit are correct with respect to the facts recited. In Case Number 89-103-SPH I identified the flier, a copy of which is attached hereto and made a part hereof as part of the original advertising for the premises along the 2500 and 2600 Yorkway.

4. All of the apartment buildings in the 2500 and 2600 block of Yorkway were originally built prior to 1945 as four unit apartments. Some of the units had basement apartments or later added basement

5. I have also testified in Case Number &8-14-SPH before the Board of Appeals with respect to 2619 Yorkway, and feel competent to testify that all of these buildings which are the subject to the case here today were originally built prior to 1945 as four

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204

J. Robert Haines Zoning Commissioner

John B. Gontrum, Esq. 809 Eastern Boverlard Essex, Maryland 21221



Dennis F. Rasmussen

RE: Petitions for Special Hearing. CASE NUMBERS: 89-249-SPH thru 89-264-SPH Your Client: Landex Corporation Date of Hearing: Thursday, December 29, 1988 at 9:00 a.m.

Dear Mr. Gontrum:

Please be advised that \$1,450.08 is due for advertising and posting of the above referenced properties. All fees must be paid prior to the hearings. Do not remove the sign and post set(s) from the properties.

THIS FEE MUST BE PAID ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT

Please make your check payable to Baltimore County, Maryland and bring it to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before the hearings are scheduled

Please note that due to the number of signs to be returned, here will be no need for your client to remove and return the signs, as this office will do same.

Very truly yours,

J. ROBERT HAINES Zoning Commissioner of Baltimore County

cc: Mr. Walter Stealey Ms. Judith S. Siegel

* \$ 90.63 each frogerty

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Heines Zoning Communicates

Dennis F. Rasmussen

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Special Hearing CASE NUMBER: 89-261-SPH NE/S Yorkway, 830' SE of c/1 of Leeway (2629 Yorkway) 12th Election District - 7th Councilmanic Legal Owner(s): Michael and Elizabeth Kozlowski Purchaser(s): Landex Corporation HEARING SCHEDULED: THURSDAY, DECEMBER 29, 1988 at 9:00 a.m.

SPECIAL HEARING: Nonconforming use of 2629 Yorkway (four apartments)

In the event that this Petition is granted, a building permit may be issues within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County

AFFIDAVIT

My name is Connie Ports and my address is Apartment B, 2607 Yorkway, Dundalk Maryland 21222. I first moved to the Yorkway area in 1963 and after leaving for a short while, I moved back again in 1971. I have acted as a manager for several of the apartment buildings in the 2600 block of forkway and at one time managed 2619 Yorkway. I testified before the Baltimore County Board of Appeals in Case No. 88-14 with respect to 2609 and 2619 Yorkway. It was my testimony at that time under oath, that I have been in all of the buildings along the 2600 block of Yorkway and that they were all identical as four (4) unit apartment buildings, except that some apartments had added an additional apartment in the basement. It was and is my testimony that these buildings were all constructed originally as four (4) bedroom unit apartments and during the familiarity with these apartments for the 1960's up to the present time, these buildings have all been used continuously and uninterruptedly with four (4) apartment units per building.

I solemnly declare and affirm that the above statements are true to the best of my knowledge, information and belief.

I hereby certify that on this & day of Decen 1988, before me, 1988, before me, _______, Notary Public for said State and County, personally appeared CONNIE PORTS, Affiant, and solemnly affirmed under the penalties of perjury and under oath in due form of law that the contents of the foregoing paper are true to the best of her knowledge, information and

> PETITIONER'S EXHIBIT 3B

AFFIDAVIT

My name is James Thompson and I am the Zoning Enforcement Supervisor for the Department of Planning and Zoning in Baltimore County, Maryland. I have been employed in the Zoning Office as a Zoning Enforcement Officer and as a Zoning Inspector for 11 1/2 years. For the past 6 years, I have acted as the Chief of the Zoning Enforcement Section. Over these years, I have become acquainted with the apartment buildings on Yorkway in the Dundalk area of Baltimore County. Numerous violations have been filed against various units on the Yorkway complex for exceeding the permitted number of units within the given zone. A review of the zoning records on the numerous violations which we have researched over the past decade indicates that the apartment units on the 2500 and 2600 block of Yorkway were all built about the same time in 1943 and 1944. The units were all built as four (4) unit apartments. When zoning became effective in January in 1945, these apartment buildings were classified as a Class D residential zone. This zone allowed three (3) units or more per dwelling. However, the original regulations provided for non-conforming uses as follows:

"A lawful non-conforming use existing on the effective date of the adoption of these regulations may continue, provided, however, upon any change from such non-conforming use to a conforming use, or any attempt to change from such

> PETITIONERS EXHIBIT 4

Michel Comment

My commission expires: 71/90

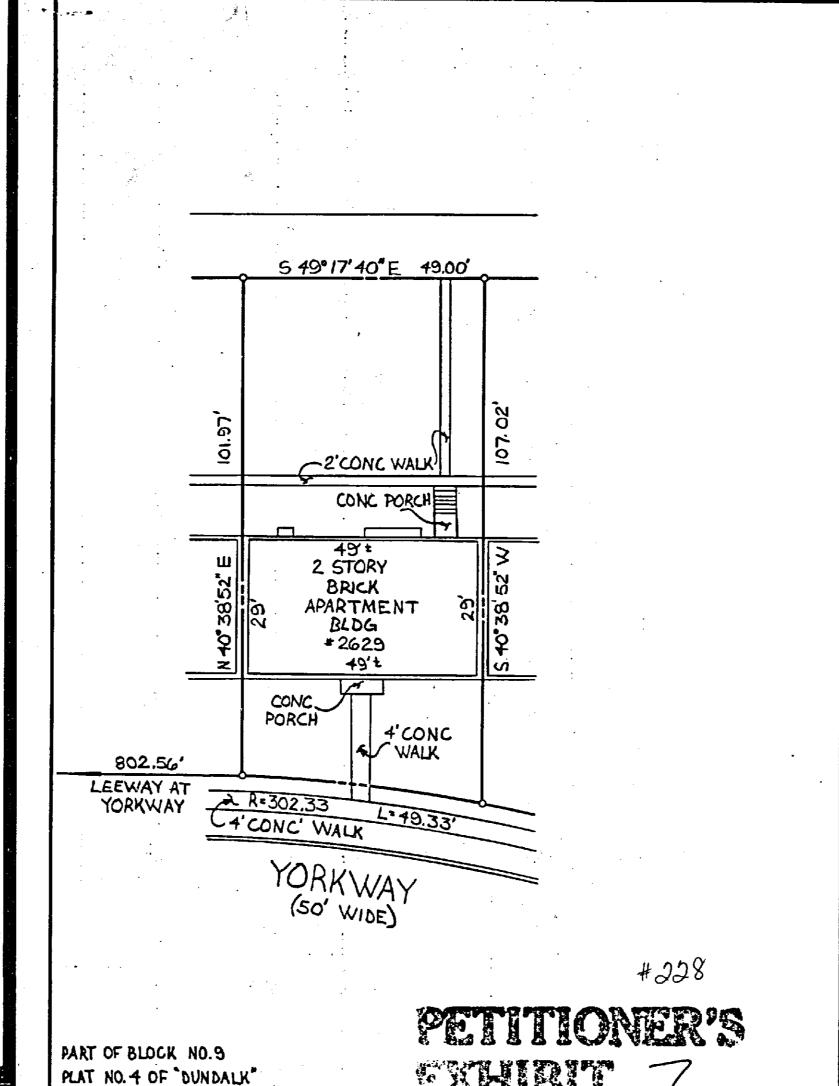
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744	5 4	it unit apartment Louise 7500. 12609 Yorkway		years of age and competent to testify as follows:
7944 944	650	Let 49 x 107.35 N/S Jankeway 291.88		1. I first lived at 2526 Yorkway in 1945 and lived
	<u> </u>	Went apartment touce 7500. 2611 Juneway -		there for approximately two (2) years. We attempted to purchase
944	DE TO	Lat 49 x 10 x 30 N/S Joskway 340.88		but were unable to do so and instead rented the property. We
1/943	0 د جنش یک 3	Lat 66.4xx 10xxx 1/5 Hockery 389.88		then moved to 6918 Homeway, very nearby to this apartment neigh-
944	B - A	4 unit apartment sauce 7500. 2615 Zarlaway		borhood, and continued to frequent the Yorkway area to visit
1943	i feft	at 66.42x 10x,17 N/S Yorkway 456,30		family and friends over the course of the next forty (40) years up to the present.
744	BA	- init apartment House _ 7500. \$2617 yorkway		
9-3	B 60 7	Lot 49 × 107.12 N/S Joshway 57:77	<u> </u>	2. I specifically recall the property known as 2534 Yorkway, an end of group, in that same originally contained four
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<u>-</u>	D.	11 knit apartment Fouce 7500. 2621 Jorkway		apartment dwelling unit in the basement.
9430	To A	Tat 66,4xx10x0+ N/S forkeray 645.72 - assistant come of state 1000 4 knit apartment James - 7500, 12623 Jackway -	-1	3. I specifically recall my children playing with the
9431	47	Let 66.42×101.94 N/S Jorkeway 687.14		children of families who lived in that basement apartment at 2534
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INVESTIGATION FEE

NO PERMIT FEES REPUNDED

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KCW Consultants, Inc. Civil Engineers and Land Surveyor 1777 Reisterstown Road Commercentre, Suite 175 Baltimore, Maryland 21208 (301) 484-0963

PLAT TO ACCOMPANY DESKIPTION * 2629 YORKWAY 12" ELECTION DISTRICT BALTIMORE COUNTY, MD.

SCALE: 1' - 20' DATE: NOV. 21, 1988

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines TO Zoning Commissioner December 28, 1988

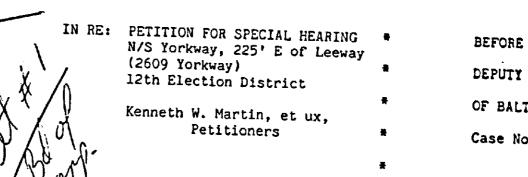
Pat Keller, Deputy Director FROM Office of Planning and Zoning

Landex Corporation
SUBJECT Zoning Petition Nos. 89-249-X thru 89-264-X

The applicant is requesting a special hearing to establish four apartment units within 19 buildings, the majority of which constitute York Park as shown on the applicant's site plan dated October 20, 1988. It is not clear from the applicant's submittal if buildings 2615, 2609, 2527 and 2529 are included in this request. Baltimore County has been involved with various improvements to this project. Money has been utilized in the past to rehabilitate and upgrade apartments within this project. There has also been an effort to clean up the railroad right-of-way that is located along the rear of block No. 9. Staff has no detailed comments or recommendation regarding this request.

PK/sf

C.W.B., Jr. 12, FOLIO G3



BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 86-290-SPH

The Petitioners herein request a Special Hearing to determine whether or not approval should be granted for the non-conforming use of [2609] Yorkway as a four apartment building since 1945, and furthermore, the non-conforming use of two additional apartments in existence since 1951.

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Pursuant to the advertisement and posting of the above referenced property, a public hearing on the Petition was held on January 28, 1986, at which time one of the Petitioners testified that six apartments had been rented continuously since his purchase of the property in 1980. A witness testified that both basement apartments were occupied from spring to fall of 1957.

Two Protestants testified that the building was constructed for four apartments. One of the Protestants testified that the building was constructed in 1945; that in 1963 he was aware of one basement apartment; and that currently he can see a cat living in another basement apartment. The other Protestant testified that through the years, he gradually became aware that there were basement apartments in the neighborhood.

At the request of the Petitioner, the case was continued. The file indicates that the Petitioner would contact the Deputy Zoning Commissioner within 60 days to arrange a date to continue the case. The file includes copies of both a July and a September letter from the Deputy Zoning Commissioner asking that the Petitioner request either a continuation or a dismissal of the case. At this

time, no such request has been noted EXHIBIT S

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towsen, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Commissioner

December 20, 1988



Judith S. Siegel, President 250 Centerville Road Building Six Warwick, Rhode Island 02886

> RE: Case Numbers 89-249-SPH through 89-264-SPH - Yorkway

Dear Ms. Siegel:

Upon review of the documentation which you have submitted in the above referenced cases supporting the evidence of a nonconforming use in the 16 locations on Yorkway which are the subject of the above referenced cases, I am satisfied that if all of the dwellings were constructed with four dwellings prior to January 2, 1945 that obviously an apparent nonconforming use existed at one time. Due to the extreme emergency of your mortgage obligations prior to December 31, 1988, I will provisionally approve the building permits subject to a final determination upon presentation of evidence in the hearing on December 29th. The 16 cases have been advertised and a hearing will occur on the 29th which will allow any protestants to provide any evidence in opposition to the existence of the nonconforming use.

Very truly yours,

J. Robert Haines
Zoning Commissioner

